

## ANNEXURE 5 – SUMMARY OF SUBMISSIONS

CONCERNS RAISED IN SUBMISSIONS	RESPONSE
<b>Public interest</b> The diminutive benefits provided by the proposed development outweigh any potential impacts and in no way would such benefits are in the public interest	It is considered that approval of the subject application in its current form would be contrary to the public interest – refusal is recommended.
<b>Considerable non-compliance with the LEP and DCP</b> The relevant LEP and DCP objectives are breached and are not achieved.	The proposed variations under the subject application are not supported and refusal is recommended – see main report and reasons for refusal.
<b>Building separation, envelope, height, articulation and setbacks</b> The DA fails to meet Parts 2.1 and 6.0 objectives and the relevant building envelope controls of the DCP. This DA is not compliant with building separation for privacy and setbacks. The design outcome of the DA is not acceptable.	The proposal complies with the relevant ADG building separation requirements however the proposed variations to the required DCP building setbacks and number of storeys are not supported – see main report and refusal is recommended.
<b>Design excellence</b> The DA fails to meet Clause 7.6 of the LEP. There is a lack of design excellence in this DA. There is insufficient regard to good urban design for built form, urban design, scale, frontage, street walls, setbacks, building material used, external materials. finishes, open space, landscaping, green spines, suitable pedestrian flow, communal roof terraces, materiality. architectural expression, residential amenity, overshadowing, parking and traffic.	It is considered that the proposed does not exhibit principles of design excellence as required by the LEP – see main report and refusal is recommended.
<b>Design Review Panel (DRP)</b> The panel had several concerns with this DA and breaches that were present. Some of these concerns related to building separation and ADG guidelines, massing and bulk, solar access, deep planting and coverage, roof terraces among many others.	The DRP has supported the proposal in principle however the proposed variations are not supported by Council for reasons provided within the main report.
<b>Green spine and walk-through site link</b> The provisions in the DCP calls for minimum building separation which are not met. The design of the green spines and walk-through links are inappropriate.	The proposed balcony encroachments into the required green spine area and the proposed setbacks variations to the pedestrian link are not supported – see main report and refusal is recommended. The design if the green spine and pedestrian link itself are supported in principle.
<b>Open Space</b> There is insufficient open space in the precinct. The DA fails to deliver on open space and green expansive parks to cover for the amenity and benefits taken away from the existing residents due to the mass and height.	The proposal provides appropriate communal and private open space on site in accordance with Councils DCP requirements. The proposal would provide for appropriate Section 7.11 contributions towards Council developing the planned new major park and pocket parks within St Leonards South precinct which are planned by Council to meet the open space needs of future residents.
<b>Traffic</b> There will be significant increases in the traffic generated from this DA. Traffic congestion along the roads in St Leonards is deteriorating with more traffic from surging construction swamping local roads, bottlenecks adding to a peak time trips and affecting operations of intersections.	The proposed development is consistent with Council's vision for the St Leonards South precinct and would provide for a needed housing options in an area that is highly accessible and well serviced. Both Council's precinct wide traffic assessment and the site-specific traffic report have concluded that the proposal would not result in any significant adverse traffic impact.
<b>SEPP 65 and ADG compliance</b>	It is considered that the proposal does not satisfy the relevant design principles of SEPP 65 due to

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The proposal is inconsistent with the design principles of SEPP 65 and the associated ADG with multiple breaches and infringements. This DA does not adhere to ADG guidelines or SEPP 65 for solar access, depth, setbacks and ventilation.	the proposed variations involved – see main report and ADG assessment, refusal recommended. However, it is noted that the proposal complies with the ADG requirements in relation to sunlight, daylight and ventilation. Detailed sun studies have been provided and have been supported by the DRP.
<b>Cumulative Effects</b> The approving authority cannot deliberate on this DA in isolation of the surrounding area but should consider the cumulative impacts on the community and St Leonards which took over more than 2000 new units just in the last couple of years alone.	Every submitted Development Application would need to be assessed on its merit and that strategic process of the precinct wide planning scheme would have undertaken this consideration. Nevertheless, it is considered that the inappropriate design of the proposal would not be consistent with the intent of the overall scheme.
<b>Removal of trees and wildlife</b> There will be no trees left with 66 trees completely removed and most will not be replaced. The removal of trees from the site is excessive and would affect the local ecosystems.	The proposed development would require the removal of existing trees on site due to the proposed excavation requirements. Replacement planting is to be at least at a rate of 1:1 to meet Council's requirements. There are no significant adverse impacts on any flora and fauna habitats.
<b>Overshadowing</b> The DA will shadow the green spine, public domain, the site walk-through, the adjacent buildings and extend to St Leonards South precinct.	The additional shadows projected by the proposed variations to the number of storeys and setbacks is not supported and full compliance ought to be achieved in this instance.
<b>Topography and design</b> The design with steep south sloping topography providing a poor site for built form propelled this development further away from meeting the DCP and the LEP.	The design has attempted to consider the topography of the development site.
<b>Overshadowing</b> Green spine will be overshadowed most of the day	The shadow plans provided illustrate that solar access will be available to the green spine in the middle of the day at midwinter between approximately 10am and 1pm. This is the worst-case situation where solar access would extend throughout the remainder of the year given the green spines north south orientation.
<b>Environmental Aspects</b> The proposal does not meet the sustainability objectives of the DCP in Part 8.0.	The proposal has been supported by the DRP with respect to matters of sustainability.
<b>Closure of Canberra Ave will exacerbate traffic impacts</b>	This is not a matter for the subject Development Application.
<b>Loss of privacy</b> Proposed development will adversely affect privacy of Marshall Avenue resident	The proposed development would not result in any significant adverse privacy impacts on surrounding properties within Marshall Avenue.
<b>Loss of views</b> Proposed development will adversely affect views of Marshall Avenue resident	The proposed development would not result in any significant adverse view impact on surrounding properties within Marshall Avenue
<b>Lack of Infrastructure</b>	Relevant monetary contributions made towards infrastructure would have been collected by Council and dedication of the facilities to Council would have occurred should approval had been granted. Also, the NSW Government's State Special Infrastructure Contributions (SIC) which would have been imposed as relevant a condition of consent.

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<b>Overdevelopment</b> The relentless overdevelopment of the St Leonards precinct will inevitably result in further overcrowding and severe lack of parking. This will affect residents and businesses.	It is considered that the proposal represents as a form of overdevelopment with respect to the building envelope variations being proposed. It is noted that the proposed parking complies with Council's parking rates and all the parking generated by the subject development would be fully accommodated on site..